

Swindon Borough Council

Standards Committee

Monday, 6 July 2015

Committee Room 6, Civic Offices

At 5.00 p.m.

Councillors

Michael Bray
Richard Hurley
Maureen Penny
Eric Shaw
Vera Tomlinson
Mark Edwards (Deputy)
Kevin Parry (Deputy)

Fay Howard
Teresa Page
Carol Shelley
(Labour)

David Wood
(Liberal Democrat)

Co-opted Representatives

Mr Trevor Davies
Mr David Dawson
(Lay Members)

Mike Compton
Richard Hailstone
(Parish Representatives)

Independent Persons for Information:

Paul Morris
Keith Strickland

Committee Officer: Steve Jones (Telephone 01793 463602)
email: stevejones@swindon.gov.uk

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AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are requested at the start of the meeting to declare any known interests in any matter to be considered, and are reminded that any such interest should also be declared at the start of an item or during any discussion of the matter concerned.

3. Minutes (Pages 5 - 6)

To receive the minutes of the meeting held on 2nd March 2015.

4. Public Question Time

(See explanatory note below. Please phone the Committee Clerk whose name and number appears at the top of this agenda if you need further guidance.)

5. Exempt Items - Exclusion of Press and Public

Certain items are expected to include the consideration of exempt information and the Standards Committee is, therefore, recommended to resolve "That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in the items listed below, on the grounds that they involve the likely disclosure of exempt information, as defined in the respective paragraph of Part 1 of Schedule 12A of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information".

<u>Item No.</u>	<u>Paragraph No.</u>
9	1 and 2

6. Standards Committee Annual Report 2014/15 DLDS (Pages 7 - 22)

7. Annual Work Programme DLDS (Pages 23 - 26)

8. Ethical Update Report DLDS (Pages 27 - 64)

9. Ethical Compliance Report DLDS (Pages 65 - 68)

29 June 2015 (being date of agenda despatch)

Key:

- DLDS - Director of Law and Democratic Services
- HIA - Head of Internal Audit

Public Question Time - Swindon Borough Council remains committed to increasing its accountability to the public and to promoting active citizenship. 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from the public about the work of the Committee (except for confidential matters, and matters relating to planning and licensing applications). We will give priority to those who submit questions in writing at least two days before the meeting. Questions must be relevant, clear, and concise. You may not use Public Question Time as an opportunity to make speeches or statements.

Questions in writing should be sent to the Committee Officer whose contact details appear on the agenda above or to the Director of Law and Democratic Services, we will publish it, along with the answer, alongside the Minutes. The process associated with asking a public question is set out in the "Public Question Time at Council Meetings Protocol and Guidance" available on the Council's Website.

(<http://ww5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13338&path=0>) or from the Committee Officer named above.

Access Arrangements - *The venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special*

requirement to enable you to do so please contact the Committee Officer, whose name appears at the top of this agenda, as soon as possible prior to the date of the meeting.

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

Standards Committee - Terms of Reference

The Standards Committee has the following roles and functions in accordance with Article 9 of the Council's Constitution:

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members including church and parent governor representatives;
- (b) assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) recommending training on any aspect of conduct and behaviour for Councillors, and officers, where it considers it would be of benefit;
- (f) approving other codes of conduct and behaviour which apply to Councillors, employees, contractors and any other parties or organisations associated with Council activity (for employees approval will be subject to agreement through recognised negotiating machinery where appropriate);
- (g) receiving from the Council's Monitoring Officer details of all allegations of any breach of the Code of Conduct;
- (h) determining any matters which may be referred to it by the Monitoring Officer or which may arise under consideration of complaints as to breaches of the Members Code of Conduct or the Protocol for Member / Officer Relations or any Code or Protocol applying to Members and Co-opted Members;
- (i) supporting the Council's Monitoring Officer in discharging his/her role;
- (j) granting dispensations to councillors and co-opted members, including church and parent governor representatives, arising from requests relating to interests set out in the Members Code of Conduct and/or under section 33 of the Localism Act 2011;
- (k) exercising (a) to (i) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils;
- (l) ensuring the Council's Customer Feedback Policy operates effectively

in relation to standards of conduct and behaviour of staff and in particular the Standards Committee may

- receive an annual report on its operation
- receive monitoring reports on complaints in relation to standards of conduct and behaviour that have resulted in a final warning to a member of staff
- adjudicate upon all complaints which remain unresolved
- require Service Managers to report upon any areas of activity which may have been the subject of criticism in respect of standards of conduct and behaviour;

(m) reporting to the Council when it considers:-

- standards of conduct and behaviour in a particular area need reviewing, and
- the level of commitment necessary to resolve these difficulties should be greater;

(n) approving the Council's anti-fraud strategy and whistle-blowing procedures and ensure they operate effectively;

(o) recommending to the Council the payment of compensation or the taking of any other action relating to standards of conduct and behaviour where this is considered appropriate;

(p) reporting to the Council, should it deem it necessary, on the result of any investigation into the standards of conduct and behaviour of a Member; and

(q) approving procedures associated with the appointment of an independent remuneration panel for Councillors' Allowances.

STANDARDS COMMITTEE

MONDAY, 2 MARCH 2015

PRESENT:- Councillors David Wood (Chair), Michael Bray, Fay Howard, Kevin Parry, Carol Shelley, Eric Shaw and Vera Tomlinson and Joe Tray. Messrs Paul Morris, Trevor Davies, David Dawson, Richard Hailstone and Mike Compton

Apologies for absence were received from Keith Strickland.

24. Declarations of Interest

The Chair reminded members of the need to declare known interests in any matters to be considered at the meeting.

Councillor Vera Tomlinson made prejudicial declaration of interest in relation to Agenda Item No. 7 ("Appeal against decision to invoke vexatious complainant policy"), on the basis that parties to the matter were known to her and that, in her capacity as a Borough Councillor, she was involved in other matters relating to the the complainant referred to in the report.

Mr Mike Compton, a Parish representative, made non-prejudicial declaration of interest in relation to Agenda Item No. 7 ("Appeal against decision to invoke vexatious complainant policy"), on the basis that several of the parties to the matter were known to him, in his capacity as a Parish Councillor.

25. Minutes

Resolved – That the minutes of the meeting held on 3rd February 2015 be confirmed and signed as a correct record.

26. Public Question Time

There were no public questions.

27. Exempt Items - Exclusion of Press and Public

Resolved - That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in the items listed below on the grounds that they involved the likely disclosure of exempt information as defined in the respective paragraphs of Part 1 of Schedule 12A of the Act.

<u>Item No.</u>	<u>Paragraph Nos.</u>	<u>Minute Nos.</u>
7 and 8	1 and 2	29 and 30

28. Ethical Framework Update

The Committee received a report from the Director of Law and Democratic Services providing an update on matters relating to the Ethical Framework, including:

- Dispensations.
- A summary of Code of Conduct complaints received during the 2014/15 Municipal Year.
- Training.
- The Council's Working from Home policy.
- The Council's standards arrangements.
- The Council's Annual Governance Statement.

Resolved – (1) That the Ethical Framework update be noted.

(2) That, with regard to members' concerns about the potential for abuse of the Council's Working From Home policy, the Head of People and Development be asked to issue best practice guidance to all service areas. That the existing guidance be revised, where practicable, to accord with the guidance for staff document utilised by Law and Democratic Services (attached to the report at Appendix 4), which the Committee commends as successfully addressing members' concerns about the Working From Home policy.

(3) That, with reference to the "Arrangements for dealing with Member Code of Conduct complaints", in cases where a complaint is made by a Borough Councillor against a fellow Councillor, the Monitoring Officer be asked to revise the process to facilitate formal consultation with the Political Groups and the Councillors concerned, to establish if an informal resolution might be achieved.

(4) That the process for the preparation of the Council's Annual Governance Statement, as set in Appendix 8 to the report, be agreed.

29. Appeal against Decision to Invoke Vexatious Complainant Policy

The Committee received a report asking members to consider an appeal against a decision to designate a complainant as vexatious. It was noted that, in accordance with the Council's "Persistent and Vexatious Complaints Procedure", contained within the Corporate Customer Feedback Policy (Section 3.8 refers), the customer had a right of appeal to the Standards Committee.

Resolved – That the decision to invoke the Council's vexatious complainant policy and designate this complainant as vexatious, be upheld and that this decision remain in place until the review scheduled for November 2015.

(Councillor Vera Tomlinson made prejudicial declaration of interest in relation to this item, on the basis that parties to the matter were known to her and that, in her capacity as a Borough Councillor, she was involved in other matters relating to the complainant referred to in the report. Councillor Tomlinson left the room for the Committee's consideration of this matter and took no part in the debate of the matter.)

30. Ethical Compliance Report

The Committee considered a report of the Director of Law and Democratic Services regarding the outcome of various ethical framework compliance matters, including the details of Whistleblowing cases, breaches of the member/officer relations protocol and Code of Conduct Complaints received since the last Committee and the outcome of any completed investigations in relation to these.

Resolved – That the Ethical Framework Compliance report be noted.

Standards Committee Annual Report

Standards Committee

Date: 6th July 2015

Author: Director of Law and Democratic Services
Wards: All
Locality Affected: All
Parishes Affected: All

1. Purpose and Reasons

- 1.1 To ask the Committee to agree its Annual Report for 2014/15.

2. Recommendations

The Committee is recommended to:

- 2.1 Consider and, subject to any amendments that might be agreed by the Committee, to accept its Annual Report for the period June 2014 – May 2015.

3. Detail

- 3.1 The Standards Committee has each year prepared an Annual Report summarising the work its work for the previous year.
- 3.2 The draft of the Annual Report for 2014/15 is attached at Appendix '1'. The Committee is asked to consider this draft and, subject to any amendments members might agree, to accept it as an accurate reflection of the work carried out by the Standards Committee.

4. Alternative Options

- 4.1 It is good practice to make an Annual report on the work of the Committee, but this is a matter for the Committee to determine.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no financial or procurement implications of this report.

Legal and Human Rights Implications

- 5.2 There are no specific legal or human rights implications of this report.

Further information on the subject of this report can be obtained from either Stephen Taylor on 01793 463012 or staylor@swindon.gov.uk, or Steve Jones on 01793 463602 or stevejones@swindon.gov.uk.

Standards Committee Annual Report

Standards Committee

Date: 6th July 2015

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 There are no other implications that have been identified as important for this report.

Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment has not been completed for this report, as it does not recommend a change in Council policy or service.

Risk Management

- 5.5 A risk assessment has not been completed in relation this report, as it does as it does not recommend a change in Council policy or service.

6. Consultees

- 6.1 The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 Appendix 1 – Draft Standards Annual Report for the period June 2014 to May 2015

Further information on the subject of this report can be obtained from either Stephen Taylor on 01793 463012 or staylor@swindon.gov.uk, or Steve Jones on 01793 463602 or stevejones@swindon.gov.uk.

Swindon Borough Council

Standards Committee

Annual Report

June 2014 – May 2015

Introduction

The Council adopted a new Members Code of Conduct with effect from 1 July 2012 and, at that time, appointed a non-statutory Standards Committee to be responsible for maintaining the Council's profile of probity and conduct through the promotion and maintenance of high standards of conduct by councillors and to assist them in observing their Code of Conduct.

The specific roles and functions of the Standards Committee are set out in Article 9 of the Council's Constitution (attached to this report at Appendix 1).

This Annual Report is a record of the work of the statutory Standards Committee in the period June 2014 to May 2015.

Membership of the Committee for 2014/15:

Councillors	Parish Representatives	Lay Members	Independent Persons
Cllr David Wood (Chair) Cllr Mick Bray Cllr Fay Howard Cllr Kevin Parry Cllr Eric Shaw Cllr Carol Shelley Cllr Kevin Small Cllr Vera Tomlinson Cllr Joe Tray Cllr Maureen Penny (deputy)	Mr Mike Compton Mr Richard Hailstone	Mr Trevor Davies Mr David Dawson	Mr Keith Strickland Mr Paul Morris

Independent Persons and the Independent Persons Protocol

Under the Localism Act 2011, the Council has appointed two Independent Persons (IPs) for 2014/15, Messrs Paul Morris and Keith Strickland, to carry out the functions set out in the Act in respect of providing their views to complainants, Councillors and the Assessment Panel on complaints and the complaints process. The period of these appointments (including an option to extend for a further year, which was exercised) expired on the date of the Annual Council meeting in 2014. At that meeting, following the advertising of the two vacancies, both Mr Morris and Mr Strickland were re-appointed for a further 4 years.

In November 2014, Mr Strickland attended regional training, conducted by Hoey Ainscough, on the role of the Independent Person. Mr Morris was unable to attend that training event but has attended previous workshops for Independent Persons and the officers they work alongside on standards issues. A Protocol for the Independent Persons, setting out the parameters of their

work with, and on behalf of, the Council and its Standards Committee was approved and adopted on 7 October 2013.

Annual Report and Work Programme

At its first meeting in the 2014/15 Municipal year, the Committee received, and approved, its Annual Report for the preceding year and also agreed a work programme for the year ahead. As in the previous year, the Standards Committee, via its Standards Assessment Panel, continued to be the arbiter of Complaints under the Council's Members' Code of Conduct and was also responsible for the review of the Council's other Codes and Protocols and the monitoring of Whistleblowing Complaints. The Standards Committee met on four occasions in the 2014/15 Municipal Year.

Summary of Members Code of Conduct Complaints

The Standards Assessment Panel is charged with making an initial assessment decision in relation to all Member Code of Conduct complaints. In 2014/15 it met on 2 occasions to review 2 complaints. The following table provides a summary of the complaints received and dealt with by the Panel during the course of the year and also provides comparative data for the previous 6 years.

Year	Complaints	No Further Action	Referred for Monitoring Officer or other Action	Referred for Investigation	Breach following hearing	No action following referral	Local Resolution
2008/09	14	14	0	1	1	0	N/A
2009/10	7	4	1	2	1	1	N/A
2010/11	12	4	4	4	0	4	N/A
2011/12	10	6	2	2	0	2	N/A
2012/13	5	5	0	0	0	0	N/A
2013/14	14	10	1	3	0	1	2
2014/15	2	2	0	0	0	0	0

Type of Complaints

The 2 complaints received during 2014/15 were both complaints relating to the conduct of Borough Councillors and both concerned the accuracy of public statements made by the members concerned.

1 of the complaints received was made by a member of the public, with the other being made by a Borough Councillor.

Processing of Complaints

The Standards Assessment Panel met on 2 occasions during the year.

It carried out the first stage assessment of 2 separate complaints received in accordance with the Standard Committee's agreed process for the initial assessment of complaints. Of the 2 complaints received, the Panel determined that no further action was required in relation to either complaint.

Monitoring of Complaints

The Standards Committee received a summary of the progress of Code of Conduct complaints at each meeting during the year, as part of the ethical compliance update report.

Breaches of the Member / Officer Protocol

At each meeting of the Committee, the Monitoring Officer also reported as to whether or not any complaints had been received under the Member / Officer protocol. No complaints were received under the Protocol of Member / Officer relations during 2014/ 2015.

The Monitoring Officer has continued to work behind the scenes in discussion with senior officers and political groups, in relation to any incident, which he has been made aware of informally.

Monitoring of Whistleblowing Complaints

Throughout the year, the Standards Committee has continued to monitor complaints received under the Council's Whistleblowing policy and were notified of new complaints and the progress and outcomes of investigations, and considering learning points which arise.

During 2014/15, 7 new whistleblowing cases were received for investigation (at the time of writing, only 3 of these have been reported to the Standards Committee. The remaining four instances were received after the last meeting of the Standards Committee in 2014/15 and will be reported to the first meeting in the 2015/16 Municipal Year). At the start of the year, the investigation of a single allegation, outstanding from the 2013/14 Municipal Year, was concluded. Of the 4 cases reported to the Standards Committee:

- 2 were unsubstantiated and no further action was taken
- 2 were referred to management recommending changes to existing working arrangements.

The outcome of the review of the Council's arrangements for dealing with Code of Conduct complaints

Following the introduction of the Council's new standards regime in 2011, the Standards Committee included in its work programme for 2013/14 a review of the operation of the Council's arrangements for dealing with Code of Conduct complaints in order to ensure that these provided transparency, to ensure the Council was open to hearing the views of residents and to learn from existing good practice elsewhere. To this end, following a tendering process, Hoey Ainscough Associates Ltd ('Hoey Ainscough') were appointed to carry out the work.

As part of the review process, two informal discussion sessions, or 'round tables', were convened, involving members and a small group of residents involved in the consultation undertaken in support of the review. The outcome of those discussions was reported to the Standards Committee meeting on 21st July 2014.

At that meeting, the Committee was gratified to hear that the review had, generally, recognised that the Council's current process for the handling of Code of Conduct complaints was both functional and effective and was, in fact, to be preferred over the revised scheme suggested by Hoey Ainscough in their review report. The Review did, however, consider that there remained some scope to improve the process, particularly, in respect of the timeframe for the initial assessment, and agreed the following additional amendments to the arrangements in response to particular issues identified at the two round tables:

- The initial assessment of complaints to continue to be determined by a Panel of councillors with an Independent Person and Lay/Parish Representatives in attendance to give their views where appropriate.
- Assessment Panel meetings to continue to be convened on an ad hoc basis
- Proceedings at the initial stage of the complaint to continue to remain private and confidential and that this issue be further considered as part of the Standards Committee's annual review of the process in March 2015.
- Assessment Panel meetings to continue to be held in the absence of the complainant and the respondent but both to be advised at the earliest practicable opportunity of the date when the Assessment Panel will meet to consider the complaint.
- A summary of the Code of Conduct complaints received during the Municipal Year to be made to each meeting of the Standards Committee as part of the ethical framework update.
- The current practice of no appeal from Assessment Panel decisions other than by way of judicial review to be continued and that this issue be further considered as part of the scheduled review of the process in July 2015.
- Members to be encouraged to continue to make themselves available to attend Assessment Panel meetings so as to enable so far as practicable the completion of the initial assessment of a complaint within a period of one calendar month from receipt of the complaint.

The suggestion, arising from the “round tables”, that the membership of the Standards Committee be increased to facilitate a greater pool of members that could be drawn upon for Assessment Panel meetings, was agreed at the Annual Council Meeting in June 2014, at which meeting the membership of the Standards Committee was increased from 6 to 9 councillors.

Desktop Ethical Audit

The Standards Committee has previously agreed to undertake an annual Desktop Ethical Audit, based on the matrix designed by the Institute for Democracy and Electoral Assistance (IDEA), to assess that it has all governance requirements in place.

The annual self-assessment and update was considered and approved by the Committee in October 2014.

In considering the elements of the Audit, members raised the issue of the need for the standardisation of “working from home” practices across the Council. This matter was further considered by the Committee at its meeting on 2nd March 2015 when, as a result of members’ concerns about the potential for abuse of the Working From Home policy, the Council’s Head of People and Development was asked to issue best practice guidance to all service areas, this to be revised, where practicable, to accord with the ‘Guidance to Staff’ in that regard issued by the Law and Democratic Services Department, which the Committee commended as successfully addressing their concerns.

Leader and Chief Executive ‘Question and Answer’ Session

The Leader of the Council and the Chief Executive are invited annually to meet with the Standards Committee to report on matters relating to the Council’s ethical governance framework and issues of probity, and to discuss with members the key priorities for ensuring that high ethical standards continue to be promoted and maintained within the Council. This year, the Leader and the Chief Executive attended the meeting of the Committee on 3rd February, 2015.

Matters raised during the course of the discussion included:

- Ethical governance within an organisational and political context and a future of continuing anxiety and ambiguity due to continuing austerity.
- The reduced staff resource and a continually increasing level of demand for high quality services.
- The programme of major organisational change that was essential to take the organisation forward in a way that would meet the specific objectives articulated in its Stronger Together vision.
- The relationships and interactions between members and officers.
- The Council’s processes for handling Code of Conduct complaints and the positive outcome of the recently completed review of the Council’s process for considering complaints of breaches of the Member Code of Conduct.

- The significant “shift” in the Council’s organisational structure to one that is “member-led”.
- The positive effect of improved cross-party working in ensuring that as many “democratically elected voices” as possible were heard as part of the decision making process.
- The necessary recognition by members of the need to be firm and clear in communicating aims and objectives to officers and providing a clear direction of travel.
- The terms of reference for the standards reviews and the opportunity for officer input as part of the review process.
- The impact of group politics on prioritisation and the Council’s decision making process
- The consultation to be undertaken in support of the current review and, in particular, the decision to extend the public consultation beyond the lay representation on the Standards Committee.
- Inclusiveness and the effectiveness of public consultation as an influencing factor in the Council’s decision making process.
- The role of the Independent Persons and their statutory non-voting status at the Standards Committee.

Review of the Council’s Codes and Protocols

The Standards Committee regularly reviews the Council’s Codes and Protocols to ensure that these remain appropriate and up to date.

At its meeting on 3rd February 2015, the Committee received the results of the Annual Review of the following Council Codes and Protocols, undertaken by the Monitoring Officer in accordance with the Committee’s established review process and involving consultation with relevant officers, each of the political groups on the Council, and also with Parish Councils.

- Members’ Code of Conduct.
- Officers’ Code of Conduct.
- Monitoring Officer Protocol.
- Councillor Role Definitions.
- Guidance to Councillors on dealings with the media.
- Protocol of Member/Officer Relationships.
- Local Code of Governance.
- Members Planning Code of Good Practice.
- Public Question Time at Council Meetings.
- Recording, Photography and use of social media.

Members’ views were sought on the various submissions made in response to the Monitoring Officer’s review and whether changes were required to ensure these remain fit for purpose. Subject to minor changes, the Codes and Protocols were approved for re-issue as part of the Council’s Constitution 2015/16.

Training

The Committee has continued to assure itself, by receiving regular updates, that appropriate ethical training of Borough Councillors and Parish Councillors is taking place. Reports were made to the Committee's July 2014, October 2014, February 2015 and March 2015 meetings providing a record of all the member training events that had taken place to that point in the Municipal Year, including details of councillor attendance at those events.

Following the Council elections in May 2015, an induction session was held on 11 May 2015 to welcome five Councillors who had not been members of the Council before, as well as two councillors who had previously been members of the Council. In addition to affording these seven members the opportunity to meet the Chief Executive and other senior officers, all seven attended a session with the Monitoring Officer on the Ethical Framework (covering Ethics and Probity, Code of Conduct and Register of Interests). A second induction session was held on 14 May 2015, attended by six of the newly elected members, at which they received introductory presentations on Local Government Finance, Dealing with the Media, Customer Services and the Member's Hotline, Localities, and Corporate Governance and the Constitution.

Further committee-specific induction sessions have already taken place, with further planned in due course.

Parish Councils

The Standards Committee has continued to monitor training for Parish Councillors and offered assistance where required. The Committee has received an update at each of its meetings on training issues relating to local Parish Councils, including the details of training events held. All but two of Swindon's 15 Parish Councils (Bishopstone and Blunsdon) have adopted the Council's own Members' Code of Conduct, and the Monitoring Officer has carried out a number of training sessions for Parish Councils during the year. Where a parish Council has opted to utilize an alternative code, training has been provided via the Wiltshire Association of Local Councils (WALC).

The Monitoring Officer has continued to chair quarterly meetings of Parish Clerks in the Borough throughout the year, and the Ethical Framework is a standing item on the agenda, with any issues arising able to be reported back to the Standards Committee. In addition, quarterly liaison meetings chaired by the Monitoring Officer continued to be held between Parish Councillors and representatives of the Borough Council to promote and maintain the Borough / Parish Charter, which is an important part of decision-making and proper consultation between the Borough and the Parishes.

Complaints on Ethical Standards

The Council monitors complaints received from members of the public in relation to its operation and decision-making. No complaints were received during the 2014/15 Municipal Year that related to the ethical standards of the authority.

Dispensations

Under the arrangements for implementing the Localism Act 2011, the Council has previously agreed that the role of granting dispensations should be delegated to the Standards Committee. At its meeting on 12 December 2012, the Committee authorised the Director of Law and Democratic Services to grant any applications for a dispensation in relation to any meeting at which any matter which has a bearing on the setting of the discounts and exemptions for Council Tax is being or is due to be considered for a four year period. Dispensations are granted in conjunction with the Chair of the Standards Committee.

Following the Local Government election in May 2015, the seven newly-elected members applied for dispensation and these were subsequently granted by the Director of Law and Democratic Services in conjunction with the Chair of the Standards Committee. The dispensations will remain valid until 14 October 2016, in line with the period of dispensation made to other members of the Council previously.

Vexatious Complaint

The Council's Corporate Customer Feedback Policy specifies the Standards Committee as the appropriate body to consider appeals against decisions to invoke the Council's vexatious complainant policy. Under the policy, a complainant is deemed vexatious where previous or current contact with them shows they meet one or more of the following criteria:

- Persist in pursuing a complaint where it has been fully investigated and full action has already been taken within the Council's procedures but the complainant will not acknowledge this.
- Display unreasonable demands or expectations and fail to recognise that these are unreasonable. For example, insisting on responses to be made sooner than the Council's 10 working day response target.
- Complainants have threatened or used physical violence to a member of staff or member of the public in relation to the complaint.
- Have harassed or been personally abusive or verbally aggressive towards staff dealing with their complaint or query. This includes the use of any foul or inappropriate language.
- Change the main issue of the complaint or continually raise new issues to prolong contact whilst the original complaint is still being addressed. Please note care must be taken not to discard new issues, which may be significantly different from the original complaint.
- Are unwilling to accept documented evidence to support an adequate response.
- Have caused persistent offence to a member of staff or a member of the council or a member of the public by referring to their gender, race, disability, age, religious belief or sexuality.
- Attempt to override or circumvent the Corporate Customer Feedback Policy by involving the Leader of the Council, the Chief Executive, MPs, external auditors, Ombudsman, etc., at an early stage of every complaint.

At its meeting on 2nd March 2015, the Standards Committee considered an appeal against a decision to designate a complainant as vexatious. The Committee considered written representations from the complainant and from the Board Director Commissioning, who had invoked action to be taken under the policy. The Committee determined that the decision to invoke the Council's vexatious complainant policy and designate this complainant as vexatious, be upheld and that this decision should remain in place until a scheduled review in November 2015.

Summary

The Standards Committee has continued to use its best endeavours to promote and monitor ethical standards in the authority and within local Parish Councils. It has actively supported a comprehensive review of codes of conduct and behavior and through the promotion of ethical training for Borough and Parish Councillors has undoubtedly enhanced the public perception of the Council's openness, accountability and probity, in its own work and in its joint working with partners and stakeholders. A comprehensive, and very public, review of the Council's process and practice in relation to its code of conduct arrangements, completed at the commencement of this Municipal Year, acknowledged that these already exhibited many elements regarded as best practice and was, in fact, unanimously acknowledged to be preferable to the arrangements suggested by the Independent review body.

The Committee has continued to monitor and review the Council's ethical framework, in conjunction with stakeholder and local community groups, to ensure that good governance is maintained and to protect the reputation of the authority.

Article 9 – The Standards Committee

9.01 Composition

- (a) **Membership.** The Standards Committee will be composed of
- at least six Councillors (who may not be the Mayor, the Leader of the Council or the Leader of any other political group on the Council or a Cabinet Member);
 - up to two co-opted members who are not councillors or officers of the Council, and have not been so during the previous 5 years, and are not a close relative or friend of a councillor or officer of the Council (lay members).
 - up to two people who are members of any parish council wholly or mainly in the Council's area (to be nominated by the parish councils within the Borough) who are not also members of the Borough Council (parish members).
- (b) **Lay and Parish Members.** - Lay and parish members will not be entitled to vote at meetings;
- (c) **Quorum.** A quorum shall be three members including at least two councillors

9.02 Role and Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members including church and parent governor representatives;
- (b) assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) recommending training on any aspect of conduct and behaviour for Councillors, and officers, where it considers it would be of benefit;
- (f) approving other codes of conduct and behaviour which apply to Councillors, employees, contractors and any other parties or organisations associated with Council activity (for employees approval will be subject to agreement through recognised negotiating machinery where appropriate).

- (g) receiving from the Council's Monitoring Officer details of all allegations of any breach of the Code of Conduct;
- (h) determining any matters which may be referred to it by the Monitoring Officer or which may arise under consideration of complaints as to breaches of the Members Code of Conduct or the Protocol for Member / Officer Relations or any Code or Protocol applying to Members and Co-opted Members;
- (i) supporting the Council's Monitoring Officer in discharging his/her role;
- (j) granting dispensations to councillors and co-opted members, including church and parent governor representatives, arising from requests relating to interests set out in the Members Code of Conduct and/or under section 33 of the Localism Act 2011;
- (k) exercising (a) to (i) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils;
- (l) ensuring the Council's Customer Feedback Policy operates effectively in relation to standards of conduct and behaviour of staff and in particular the Standards Committee may
 - receive an annual report on its operation
 - receive monitoring reports on complaints in relation to standards of conduct and behaviour that have resulted in a final warning to a member of staff
 - adjudicate upon all complaints which remain unresolved
 - require Service Managers to report upon any areas of activity which may have been the subject of criticism in respect of standards of conduct and behaviour;
- (m) reporting to the Council when it considers:-
 - standards of conduct and behaviour in a particular area need reviewing, and
 - the level of commitment necessary to resolve these difficulties should be greater;
- (n) approving the Council's anti-fraud strategy and whistle-blowing procedures and ensure they operate effectively;
- (o) recommending to the Council the payment of compensation or the taking of any other action relating to standards of conduct and behaviour where this is considered appropriate;
- (p) reporting to the Council, should it deem it necessary, on the result of any investigation into the standards of conduct and behaviour of a Member; and
- (q) approving procedures associated with the appointment of an independent remuneration panel for Councillors' Allowances.

9.03 **Advice and Procedure**

The Council's Monitoring Officer or his/her nominee will act as Clerk to the Committee.

The Committee will adopt such procedures as it considers necessary to discharge its role and appoint such sub-committees or Panels as it thinks fit, including an Assessment or Hearings Panel as required.

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Annual Work Programme

Standards Committee

Date: 6th July 2015

Author: Director of Law and Democratic Services
Wards: All
Locality Affected: All
Parishes Affected: All

1. Purpose and Reasons

- 1.1 To ask the Committee to agree its Work Programme for 2015/16.

2. Recommendations

The Committee is recommended to:

- 2.1 Consider and agree its Work Programme for 2015/16.

3. Detail

- 3.1 An outline work programme for the Committee for 2015/16 is attached at Appendix '1' for the Committee to discuss and agree its priorities for the year. This is based upon the anticipated work for the Committee during the year, but can be adapted in response to any other matters which arise.

4. Alternative Options

- 4.1 There are no alternative options for this report. It is good to agree a work programme for the ensuing year, but this is a matter for the Committee to determine.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no financial or procurement implications of this report.

Legal and Human Rights Implications

- 5.2 There are no specific legal or human rights implications of this report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 There are no other implications that have been identified as important for this report.

Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, staylor@swindon.gov.uk.

Annual Work Programme

Standards Committee

Date: 6th July 2015

Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment has not been completed for this report, as it does not recommend a change in Council policy or service.

Risk Management

- 5.5 A risk assessment has not been completed in relation this report, as it does as it does not recommend a change in Council policy or service.

6. Consultees

- 6.1 The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 Appendix 1 – Draft Work Programme for 2015/16

Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, staylor@swindon.gov.uk.

Standards Committee
Work Programme for 2015 / 2016

The following work programme is proposed:

Meeting	<u>Agenda Item</u>
6 th July 2015	<ul style="list-style-type: none"> Standards Committee Annual report Work Programme. Annual governance Statement and consideration of the Annual Governance Statement process New Regulations in relation to changes to the framework for dismissal of statutory officers Review of the Council's Whistleblowing Policy
12 th October 2015	<ul style="list-style-type: none"> Commence review of Codes and Protocols. Update to the Council's Ethical Audit Self-Assessment.
25 th January 2016	<ul style="list-style-type: none"> Review of Codes and Protocols in the context of consultation submissions from stakeholders. Question and Answer Session with Leader and Chief Executive on Ethical Governance Arrangements.
14 th March 2016	<ul style="list-style-type: none"> Review of the process of dealing with Code of Conduct complaints against members. Summary of ethical training undertaken by parish Councillors.
Regular Items:	<ul style="list-style-type: none"> Ethical Update Report. Ethical Compliance Report. <ul style="list-style-type: none"> Monitor complaints under the Council's Anti-Fraud and Corruption Strategy and Whistleblowing Policy. Receive updates on complaints against Councillors. Receive updates on continuing close work with Parish Councils on Ethical Framework Issues. Updates on training for Officers, Councillors and Parish Councillors in respect of ethical framework issues. Updates on requests for dispensations.
Other reports and Meetings as required:	<ul style="list-style-type: none"> Assessment Panels to be convened as necessary to consider Code of Conduct complaints against members. Urgent ethical and probity issues as they arise. Responding to Government Guidance, Regulations and

	Consultations as issued.
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Ethical Framework Update

Standards Committee

Date: 6th July 2015

Author:	Director of Law and Democratic Services
Wards:	All
Locality Affected:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 To provide an update on various matters related to the Ethical Framework and to keep the Committee informed of issues of probity in the Council.

2. Recommendations

The Committee is recommended to:

- 2.1 Note the ethical framework update
- 2.2 Review the draft Annual Governance Statement and identify any additional significant control issues that it would like to be considered for inclusion in the Statement, prior to sign off by the Leader and Chief Executive in September 2015.
- 2.3 Approve the updated Whistleblowing Policy (attached at Appendix 3).

3. Detail

Dispensations

- 3.1 Section 33 of the Localism Act 2011 enables members who consider that they may have a disclosable pecuniary interest (DPI) to apply for a dispensation to allow them to speak and vote.
- 3.2 At its meeting on 12 December 2012, the Standards Committee authorised the Director of Law and Democratic Services to grant any applications for a dispensation in relation to any meeting at which any matter which has a bearing on the setting of the discounts and exemptions for Council Tax is being or is due to be considered for a four year period. Dispensations are granted in conjunction with the Chair of the Standards Committee and are reported back to the next available meeting of the Standards Committee.
- 3.3 Several new members have joined the Council since the election in May 2015. A list of members who have applied for a dispensation is attached at Appendix 1. The dispensation sought related to any meeting at which any matter which has a bearing on the setting of the Council Tax is being or is due to be considered, and covers both of the restrictions in Section 31(4) of the Localism Act 2011 so as to allow them to participate in any discussion and participate in any vote without risk of challenge.

Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, staylor@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 6th July 2015

- 3.4 The Director of Law and Democratic Services granted these dispensations, in conjunction with the Chair of the Standards Committee, since failure to grant a dispensation would impede the transaction of the business because of the number of members having the same disclosable pecuniary interest. These dispensations have been granted until 14 October 2016, in line with the other dispensations already granted on this matter to existing members. The Committee is asked to note the list of members.

Membership of the Standards Committee – Co-opted Lay Members

- 3.1 The Committee is advised that Mr Trevor Davies and Mr David Dawson were appointed at the Annual Council meeting on 22nd May 2015 as the co-opted lay members of the Standards Committee for a 4 year term.

Membership of the Standards Committee – Parish Representatives

- 3.2 The Committee is advised that, at the meeting of the WALC Swindon Area Committee on Thursday 21st May, the existing Parish Council representatives on the Standards Committee, Messrs Mike Compton (Blunsdon) and Richard Hailstone (Haydon Wick), were again nominated for membership of the Committee and they were duly appointed to serve on the Committee for the Municipal Year 2015/16 by Council at its Annual Meeting on 22nd May 2015.

Annual Governance Statement

- 3.3 The Annual Governance Statement (AGS) is a formal statement that recognises records and publishes an authority's governance arrangements.
- 3.4 It is designed not only to give an opportunity for authorities to consider the robustness of their governance arrangements, but also provide an accurate representation of arrangements in place during the year and to identify areas where improvement is required.
- 3.5 The Council has approved and adopted a local code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE Framework for Delivering Good Governance in Local Government. This statement explains how the Council has complied with the code and also meets the requirements of the Accounts and Audit Regulations 2015 section 6 (1) (b) in relation to the preparation of an annual governance statement.
- 3.6 The guidance for the AGS requires the Council to set out its governance arrangements and key elements of internal control and the sources of assurance; a review of the effectiveness of those governance and internal controls and a requirement to identify significant governance issues.
- 3.7 As part of the document the Council must identify any areas of significant governance or internal control issues that have occurred during 2014/15. Potential areas for inclusion were discussed at Corporate Board. This included a
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Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, staylor@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 6th July 2015

review of last year's statement and agreeing whether any issues raised for 2014/15 could be taken off and whether any new issues needed to be included.

- 3.8 It was recommended that the following issues could be removed from the statement:
- ❑ Swindon Commercial Services reintegration
 - ❑ Transfer of Council Leisure Services
- 3.9 Further progress is still required in the following areas before they can be taken off the statement:
- ❑ Information Governance
 - ❑ Financial relationships with wholly owned subsidiaries
 - ❑ Capacity and Capability in the context of large scale change
- 3.10 The following additional areas are recommended for inclusion in the statement for 2014/15:
- ❑ Supporting Vulnerable Children
 - ❑ Licensing: Taxis and Private Hire
 - ❑ Isambard Community School
 - ❑ Corporate buildings: statutory compliance
 - ❑ Waterside Depot improvement plan
 - ❑ GCSE attainment
 - ❑ IT Service
- 3.11 Guidance issued by CIPFA regarding the statement also recommends that a suitable independent management group should review the content of the AGS. The Council's Audit Committee will undertake this role. The Chief Executive and the Leader of the Council will sign the statement once the Audit Committee has approved it in September 2015. A draft went to that Committee in June.
- 3.12 The draft Annual Governance Statement is set out in Appendix 2 to this report for information and for the Committee to identify any additional significant control issues that it would like for inclusion in the Annual Governance Statement.
- The Council's Whistleblowing Policy
- 3.13 The Council's Whistleblowing Policy is reviewed on a regular basis to ensure that it complies with legislation and best practice. Attached as Appendix 3 is the latest updated version of the policy. Updates to the policy include:
- A 'front sheet' on the intranet that provides key contact numbers including the Council's confidential whistleblowing number and contact details for the Director of Law and Democratic Services; Head of Internal Audit; Head of Children, Families and Community Health and the Head of Commissioning: Children and Adults, as sources of advice (Appendix 3a).
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Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, staylor@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 6th July 2015

- Specific reference to the abuse of a child or adult as being an example of a concern that can be raised under whistleblowing
 - The inclusion of both the Head of Children, Families and Community Health and the Head of Commissioning: Children and Adults in relation to advice regarding vulnerable children or adults (contact numbers are provided on the front sheet)
 - Reference to the Enterprise and Regulatory Reform Act 2013
- 3.14 Once the Whistleblowing Policy has been approved the updated policy will be publicised through the Core Brief, Managers' Bulletin etc.

Induction Training

- 3.15 Five councillors newly-elected in May 2015 had not previously been members of the Council (Cllrs Emma Bushell, Paul Dixon, Cathy Martyn, Caryl Ann Sydney-Smith and Chris Watts). A further two councillors were elected who had previously been members of the Council (Cllrs Claire Ellis and Steph Exell).
- 3.16 An induction session was held on 11 May 2015 to welcome them to the Council. They met the Chief Executive and other senior officers, and all seven had a session with the Monitoring Officer on the Ethical Framework (covering Ethics and Probity, Code of Conduct and Register of Interests). A second induction session was held on 14 May 2015, attended by six of the newly elected members, at which they received introductory presentations on Local Government Finance, Dealing with the Media, Customer Services and the Member's Hotline, Localities, and Corporate Governance and the Constitution.
- 3.17 Further committee-specific induction sessions have already taken place, with further planned in due course.

Training – General

- 3.18 Attached at Appendix 4 are the details of the training and development events planned for the 2015-16 Municipal Year. A log of member attendance at these events will be kept and reported to this Committee at a future meeting.
- 3.19 A report was considered by the Member Development Advisory Group at its meeting in April 2015 on member learning and development to support Councillors in carrying out their various roles. The Advisory Group will also be refreshing the Member Development Strategy as part of its work programme for the 2015/16 year. Work is also progressing on enhancing the support and training offered to members as a result of inviting officers to propose briefing events on forthcoming issues in their service areas.

Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, staylor@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 6th July 2015

- 3.20 The Committee is reminded that, at present, a number of sessions are held by the Monitoring Officer each year around the parishes to train parish councillors on the ethical framework, and charring skills. Borough Councillors who are also parish councillors attend. As usual, attendance at these events will be logged and reported to this Committee at a future meeting. The most recent took place at the offices of Stratton St Margaret Parish Council on the 16th June which was attended by 13 councillors from that parish council together with the Clerk and Deputy Clerk.

Register of Interests

- 3.21 At the May 2015 election, 19 councillors were either newly elected or re-elected to the Council. All 19 are expected to complete a new Register of Interests form for publishing to the Council's website, and for public viewing upon request.
- 3.22 At the time of writing this report, 5 of the 19 councillors had yet to complete a new form and return it to the Monitoring Officer. Reminders have been sent and responses are expected shortly.
- 3.23 The quarterly reminder to all councillors asking them to review the entries on their Register was placed in the Members Bulletin on 8 May 2015. Any responses received are logged, and the Register updated accordingly.

New Regulations relating to the dismissal of a statutory officer

- 3.24 Regulations were made on 25th March in relation to changes to the framework for dismissal of statutory officers. These changes were incorporated into the Council's Standing Orders at its Annual Meeting on 22nd May 2015.
- 3.25 In essence, the effect of the Regulations is to remove the previous statutory requirement for the appointment of a 'designated independent person' before it could dismiss or discipline its head of paid service, monitoring officer or chief finance officer. Instead, the new Regulations require the involvement of 2 Independent Persons appointed under the Localism Act 2011. The Monitoring Officer has briefed the Council's Independent Persons on this matter and attached at Appendix 5 is a briefing note prepared by Wragge & Co (solicitors) which members may find helpful.

4. Alternative Options

- 4.1 Any alternative options are set out in the body of the report.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 Any financial or procurement implications will be contained within the existing budget.

Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, staylor@swindon.gov.uk.

Ethical Framework Update

Standards Committee

Date: 6th July 2015

Legal and Human Rights Implications

- 5.2 The legal and human rights implications, where applicable, are set out in the body of the report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 There are no other implications that have been identified as important for this report.

Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment has not been completed for this report, as it does not recommend a change in Council policy or service.

Risk Management

- 5.5 A risk assessment has not been completed in relation this report, as it does as it does not recommend a change in Council policy or service. Arrangements for meeting the requirements of the Localism Act and monitoring probity of the Council, ensures that good governance is maintained and protects the reputation of the organisation.

6. Consultees

- 6.1 The Board Director Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 None

8. Appendices

- 8.1 Appendix 1 – List of Councillors applying for a Dispensation under Section 33 of the Localism Act 2011
- 8.2 Appendix 2 - draft Annual Governance Statement
- 8.3 Appendix 3 – The Council’s Whistleblowing Policy
- 8.4 Appendix 4 - details of proposed training events to be held over the 2015-16 Municipal Year
- 8.5 Appendix 4 – Briefing note on the new Regulations in relation to changes to the framework for dismissal of the statutory officers
- 8.6 Appendix 5 - briefing note prepared by Wragge & Co (solicitors) on the new Regulations relating to the dismissal of a statutory officer

Further information on the subject of this report can be obtained from Stephen Taylor, 01793 463012, staylor@swindon.gov.uk.

Appendix 1

Applications for a Dispensation - Section 33 of the Localism Act 2011

In relation to 'any meeting at which any matter which has a bearing on the setting of the discounts and exemptions for Council Tax is being or is due to be considered'.

With effect from the date stated below until 14 October 2016.

Name of Member	Applied for Dispensation	Dispensation granted by Monitoring Officer
Emma Bushell	17 May 2015	28 May 2015
Paul Dixon	10 May 2015	28 May 2015
Claire Ellis	10 May 2015	28 May 2015
Stephanie Exell	10 May 2015	28 May 2015
Cathy Martyn	14 May 2015	28 May 2015
Caryl Sydney-Smith	11 May 2015	28 May 2015
Chris Watts	11 May 2015	28 May 2015

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SWINDON BOROUGH COUNCIL

ANNUAL GOVERNANCE STATEMENT: 2014/15**1. Scope of responsibility**

Swindon Borough Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having a regard to a combination of economy, efficiency and effectiveness.

In discharging this overall responsibility, the Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, which includes arrangements for the management of risk.

The Council has approved and adopted a local code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE *Framework for Delivering Good Governance in Local Government*. This statement explains how the Council has complied with the code and also meets the requirements of the Accounts and Audit Regulations 2015 in relation to the publication of a statement on internal control.

2. The purpose of the governance framework

The governance framework comprises the systems and processes, and culture and values, by which the authority is directed and controlled and its activities through which it accounts to, engages with and leads the community. It enables the authority to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services.

The system of internal control is a significant part of the framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and can therefore only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of the Council's policies, aims and objectives, to evaluate the likelihood of those risks being realised, and to manage them efficiently, effectively and economically.

The following section of the statement summarises Swindon Borough Council's governance framework that has been in place for the year ended 31st March 2015 and up to the date of approval of this Statement and the Statement of Accounts. The framework described reflects the arrangements in place to meet the six core principles of effective governance.

3. The Council's framework for ensuring compliance with the core principles of effective governance:**(a) *The Council's purpose, outcomes for the community and creating and implementing a vision for the local area.***

We are committed to an ambitious strategy of achieving excellence for our residents and their communities. We demonstrate this by publishing:

- Our Corporate Plan and One Swindon Delivery Plan.
- Our Health and Wellbeing Strategy

We will regularly review the vision for our local communities, as it is set out in these documents, and its implications for the Council's governance arrangements.

We will ensure that this vision is shared with our partners through the One Swindon Partnership Board, the Swindon Strategic Partnership, the Health and Wellbeing Board, the Swindon and Wiltshire Local Enterprise Partnership.

The Council will aim to deliver high quality services that make the best use of resources and are value for money. The Council will do this by:

- Delivering services to meet the needs of the local community, and put in place processes to ensure that they operate effectively in practice.
- Determining local needs and targeting resources according to the Corporate Plan.
- Developing effective relationships and partnerships with
 - other public sector agencies, including integration with local NHS bodies.
 - voluntary and community organisations.
 - the private sector, including our strategic partnership with Capita.
- Responding positively to the findings and recommendations of external auditors and statutory inspectors and putting in place arrangements for the implementation of agreed actions.
- Carrying out an approved value for money review programmes to benchmark our services, and ensure best use is made of the resources available to the Council.
- Delivering specific projects within an effective, corporate programme management framework, as appropriate.

(b) *Members and Officers working together to achieve a common purpose with clearly defined functions and roles.*

The Council will ensure that the necessary roles and responsibilities for its governance are identified and allocated so that it is clear who is accountable for decisions that are made. The Council will do this by:

- Appointing a Leader of the Council, and defining the executive responsibilities of Cabinet Members.
- Agreeing a scheme of delegated executive responsibilities to Board Directors, Directors and Heads of Service, and protocols that make clear the respective roles of members and officers and ensure effective communication between them.
- Annually appointing committees to discharge the Council's regulatory responsibilities.
- Annually appointing committees to discharge the Council's overview and scrutiny responsibilities.
- Setting clear role definitions for chairs of committees and councillors in their different roles.
- Undertaking an annual review of the operation of the Council's constitution.
- Making the Chief Executive (the Head of Paid Service) responsible and accountable to the Council for all aspects of operational management.
- Making a senior officer (the Monitoring Officer) responsible to the authority for ensuring the lawfulness and fairness of decision-making, and that agreed

procedures are followed and that all applicable statutes and regulations are complied with.

- Making a senior officer (the Section 151 officer) responsible to the authority for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control.
- Ensuring partnerships and contracts with other public bodies, voluntary and community organisations, and the private sector have clear governance accountabilities, including effective and equitable financial arrangements.
- Having in place effective and comprehensive arrangements for the scrutiny of services.

(c) *Promoting our values and upholding high standards of Conduct and behaviour.*

The Council promotes and maintains high standards of ethical conduct of members and officers through the work of its Standards Committee.

The Council will foster a culture of behaviour based on shared values, ethical principles and good conduct.

The Council will do this by establishing and keeping under review:

- The Council's Constitution.
- A Members' Code of Conduct.
- An Officer's Code of Conduct.
- A protocol governing Member/Officer Relations.
- A Members' Planning Code of Good Practice.
- Monitoring Officer Protocol.
- Media Guidelines.
- Contract Standing Orders and Financial Regulations.
- A strategy for combating fraud and corruption.
- A whistle blowing policy.
- Behavioural Framework Principles

(d) *Taking informed and transparent decisions that are subject to effective scrutiny and managing risk.*

The Council has ensured that the decision-making process includes a rigorous risk assessment including:

- Financial, legal and staffing implications
- Sustainability implications
- Health Impact and Promotion implications
- Value for Money
- Implications for Partnerships
- Implications for Community Safety
- Impact on Rural Communities.
- Diversity and racial impact assessment
- Risks, mitigations and opportunities

The Council has been rigorous and transparent about how decisions are taken and recorded. The Council has:

- Ensured the Cabinet make decisions in an open and transparent way and that information relating to those decisions is made available to the public, unless statutory rules provide otherwise
- Ensured that all decisions of regulatory committees of the Council are made in public and that information relating to those decisions is made available to the public, unless statutory rules provide otherwise
- Ensured that legal and financial implications are recognised in all reports on which decisions are based
- Recorded all decisions that are made by committees and executive decisions made by Lead Members and officers (where applicable).
- Rules and procedures, which govern how decisions are made.
- Developed and maintained an effective overview and scrutiny function which encourages constructive challenge
- Maintain an effective Standards Committee and Audit Committee

The Council has continued to develop its risk management strategy to enable the Council to manage and control risks in order to maximise the quality of its service provision and uphold its reputation and the achievement of best value.

The Council has ensured that the risk management system:

- Formally identifies and manages risks
- Involves elected Members in the risk management process
- Includes the undertaking of a risk assessment of every key or strategic decision
- Reflects business continuity planning; and
- Reviews and, if necessary, updates its risk management processes at least annually.

(e) *Developing the capacity and capability of Members and officers to be effective.*

The Council will ensure that those charged with the leadership and governance of the Council have the skills, knowledge and experience they need to perform to a high standard. The Council will do this by:

- Maintaining Member training and development through the Member Development Advisory Group.
- Developing leadership skills and capacity across the Council.
- Developing our approach to workforce planning.
- Encouraging quality mark accreditation.
- Maintaining and developing our personal development through regular development planning and performance review systems.
- Cascading regular information to Members and staff by paper and electronic means, having regard to diversity issues.
- Engaging with local people and other stakeholders to ensure robust public accountability.

(f) *Engaging with local people and other stakeholders to ensure robust public accountability.*

The Council is committed to increasing public involvement in decision-making and devolving power to individuals and local organisations. We will seek and respond to the views of stakeholders and the community. The Council will do this by:

- Forming and maintaining relationships with the leaders of other organisations.
- Ensuring openness and accessibility to citizens, service users and staff, including partner organisations.
- Implementing the Council's corporate Consultation Policy and utilising an appropriate range of consultation methods.
- Making use of local forums at ward, parish, locality and neighbourhood level to maintain communication with all the Borough's communities and other stakeholders.
- Encouraging and supporting the public in submitting requests for Scrutiny.
- Maintaining and reviewing an effective complaints procedure.
- Developing One Swindon and the Stronger Together Locality programmes.

4. Review of effectiveness

Swindon Borough Council annually reviews the effectiveness of its governance framework including the system of internal control. The review of effectiveness is informed by executive managers within the authority who have responsibility for the development and maintenance of the governance environment, the Head of Internal Audit's annual report, and also by comments made by the external auditors and other review agencies and inspectorates.

Board Directors and relevant Heads of Service have completed a detailed questionnaire reviewing the control environment within their directorate and the results of the questionnaire have been used to help inform our assessment of significant control issues for the Council.

The following process has been applied in maintaining and reviewing the effectiveness of the system of internal control. Both in-year and year-end reviews processes have taken place.

In year review mechanisms include:

- The Executive is responsible for considering overall financial and performance management and receives comprehensive reports on a regular basis. It also receives reports relating to risk management and monitors the corporate risk register, as well as being responsible for key decisions and for initiating corrective action in relation to risk and internal control issues.
- The terms of reference for the Audit Committee reflect CIPFA guidance best practice. The Committee is a full committee of the Council emphasising the commitment to ensuring that there are high standards of internal control within the Council. The Committee is responsible for reviewing the financial performance, risk management, has an oversight of Treasury Management and both, Internal and External Audit performance and their findings and recommendations.
- The Board Director: Resources role as Section 151 Officer has been assessed by Internal Audit against CIPFA's statement on the Role of the Chief Financial Officer

in Local Government. It was found that the requirements of the CIPFA statement are being met.

- A self-assessment of the Head of Internal Audit's role has been assessed against CIPFA's statement on the Role of the Head of Internal Audit in Public Service organisations. It was found that the requirements of the CIPFA statement are being met.
- Information governance and security: A significant amount of work was undertaken in 2014/15 to develop Information Governance policies and supporting processes. The Council's Information Governance and Security Policy has been approved by Corporate Board and published for staff on the Council's Intranet. The Information Governance and Security Group is increasing in maturity and the Information Governance and Security Group has met regularly throughout 2014/15. Improvements achieved by the group and supporting staff include achieving Level 1 requirements of the NHS Information Governance Toolkit, with an agreed improvement plan to meet Level 2 requirements, in place by May 2015. A review of the Council's off-site storage facility for archived paper records has been undertaken and improvements have been made to retention and disposal processes. ICT Security policies (for example access control) have been comprehensively updated and are ready for implementation, following appropriate consultation and approval. There has been a significant increase in the number of staff who have undertaken Information Security training. Information risks have been identified, to support roll-out of a corporate information risk management process. Areas of improvement for 2015/16 include:
 - Enforcing compliance with mandatory training on core topics, e.g. Information Security, Data Protection and Freedom of Information.
 - Continuing to develop the Council's Information Risk Management process and risk registers.
 - Providing Information Asset Owner training and supporting development of these roles.
 - Publication of a protective marking policy and introduction of supporting processes.
 - Achieving Level 2 requirements for the NHS Information Governance Toolkit.
 - Carrying out required remedial actions to ensure PSN Code of Connection compliance for 2015/16 and beyond.
- Information security incidents are managed as part of the Council's information governance processes. The Council's Data Protection Officer has reported that there have been no serious breaches of the Data Protection Act in 2014/15.
- Internal Audit is an independent and objective assurance service to the management of the Council who complete a programme of reviews throughout the year to provide an opinion on the internal control environment in the areas examined. Their reviews include examination of the main financial systems, enabling them to provide the Section 151 Officer with an overall opinion on the main financial controls in place as well as risk management, internal control and governance arrangements across the authority. The Head of Internal Audit's opinion for 2014/15 is that there are satisfactory internal control arrangements in place resulting in a 'moderate' risk to the Council. In addition the Section undertakes fraud investigation and proactive fraud detection work. Internal Audit report to each Audit Committee summarising audits finalised since the previous meeting. Audit

Committee has called in relevant Group Directors and Heads of Service to update them on the progress in implementing agreed audit recommendations. The Audit Committee also reviews the effectiveness of the Council's system of internal audit including an assessment against the Public Sector Internal Audit Standards (PSIAS). The latest review found the system of internal audit to be effective and that the requirements of the PSIAS were being largely met and an action plan is in place to address any outstanding issues.

- Both Cabinet and the Audit Committee considered the External Auditor's Annual Audit letter in 2014/15. The Annual Audit letter gives an opinion on the Council's financial statements and provides a value for money conclusion. The External Auditor identified no material issues in their audit of the financial statements and issued an unqualified audit opinion on the Council's financial statements and on its arrangements for securing value for money in 2013/14.
- A Corporate Governance Working Group, consisting of both Members and officers including the Monitoring Officer, reviews the effectiveness of the Council's corporate governance arrangements by reference to the CIPFA/SOLACE corporate governance standards and other best practice. The Group has streamlined the Council's decision-making process ensuring that agreed decisions could be implemented promptly and some decision making has been devolved locally. It has also looked at devolving some powers to localities and how this can be achieved.
- The Council has also adopted a Local Code of Corporate Governance.
- Risk Management – the risk management strategy and the Corporate Risk Register is regularly updated in consultation with Corporate Board and presented to both Cabinet and Audit Committee.
- The Council's Performance Framework is led by the Head of Business Services and Support the framework includes the Business Review process. Business Reviews are carried out quarterly at Corporate Board and these are used to review risks identified either through performance, Internal Audit or through the Corporate Risk Register.

A year-end review of governance arrangements and the control environment has also been completed which included:

- Obtaining assurances from all Board Directors and Heads of Service that key elements of the control framework were in place during the year in their departments. They were also asked to identify areas where control weaknesses had resulted in a significant issue arising for the department.
- Reviewing the Head of Internal Audit's annual audit report presented to Audit Committee.
- Obtaining specific assurances from Heads of Service with regard to the governance arrangements in place for key partnerships.

The review has identified that a number of the areas included in last year's statement have progressed sufficiently for them not to be included as areas of focus in this year's statement:

- Swindon Commercial Services reintegration
- Transfer of Council Leisure Services

5. Governance: Key Areas of Focus

The review process has highlighted a number of significant areas for enhanced focus regarding the governance and internal control environment and these are described briefly below. For each one, action plans have been determined by a responsible officer and are under implementation or are in the process of being prepared and a summary of the key elements of these are included below:

- **Information governance and security** – An updated suite of information governance and security policies has been developed and is going through final review before being rolled out. Information Asset Owner role description being developed and will be rolled out alongside appropriate training. More staff are undertaking the core e-learning modules for DP / FOI / Information governance and security, but still less than two-thirds of staff have completed in the last 12 months. Tracking of completion will be held within the new HR system that will facilitate managers being held to account for their and their staff's performance. A new post of Information Governance Manager has recently been recruited to and will provide the dedicated capacity needed to maintain and build on recent improvements in this area.
- **Financial relationships with wholly owned subsidiaries** – Swindon Borough Council are the sole shareholder of Thamesdown Transport Ltd (TT) and Public Power Solutions (PPS). There are close financial links between the Council and both companies, which mean there is a degree of inter-dependence.

SBC funds some subsidised routes and pays reimbursements for concessionary fare usage to TT and has entered into an arrangement to “buy out” the company's local government pension scheme deficit, with resulting payments due each year from the company to the Council. Recent trading conditions have led the company to request deferring some of these payments, for the foreseeable future, in order to reduce cash-flow burdens.

During 2014/15 the Council also agreed to purchase the Company's interest in its operational depot building, in return for an increased rent. SBC has lent around £8m to SCS for the capital purchase of a plant to convert waste into fuel, thereby reducing the Council's landfill burden. The company's future profit levels are critical to ensuring repayment of the loan within the period of the contract between the Council and the company for treatment of household waste. The plant has experienced operational difficulties in its first year of operation and its financial performance has not been as expected. It is likely that an additional loan will be requested from the Council to undertake further works to the plant. While the potential income from developing PV arrays looks positive, it is uncertain whether this will be sufficient to secure positive cash flows overall in the near future. For these reasons, it is important that the Council retains a particularly close oversight of the financial performance of its subsidiaries at this time, as part of its overall financial risk management arrangements.

- **Supporting Vulnerable Children** - the 2013/14 Annual Governance Statement highlighted the Ofsted Inspection as a key area of focus, as this took place in March/April 2014. An implementation/action plan was then developed and subsequently monitored by a Scrutiny Committee task group and signed off in February 2015. A number of areas have been subsequently identified for improvement, which are being implemented and/or incorporated into the new change programme being developed. Issues of focus remain around filling critical vacancies, developing the experience of managerial social work posts and social

workers; improving the electronic ICS system; managing caseloads; strengthening our quality assurance processes/IRO system and council wide work on child sexual exploitation.

One of the change programmes is related to safeguarding children and this programme will be focussed upon helping to embed systems to enable compliance and streamlining processes. We will be confident that this programme has been successful when:

- Children and families feel supported by a strong safeguarding environment
 - Our internal measures and external inspections report that we are meeting our regulatory requirements
 - Services are resilient, compliant, safe and sustainable
 - We are designing and delivering services on an increasingly complete understanding of customers
 - Service users, partners and staff report satisfaction with services they receive
- **Capacity and Capability in the context of large scale change** – During 2013-14, Cabinet approved a strategy to deliberately deliver annual budget savings early to create some in-year funding capacity to fund future years' transformation. This strategy has continued since that date and has led to transformational funding being available on the Council's balance sheet to fund new posts.

During 2014-15, the organisation ran a targeted recruitment campaign to bring new transformation skills and capacity into the organisation and successfully recruited four new senior change leaders and additional support posts to deliver specific change programme work.

Further recruitment is underway in early 2015, to bring in some targeted posts to supplement the skills in the organisation and fill capacity gaps identified on specific change programmes.

- **Licensing: Taxis and Private Hire** – An Internal Audit review of the taxi and private hire licensing service was commissioned by the Head of Service on taking over responsibility for the service area. The audit found a number of significant weaknesses including a lack of staff awareness of processes and procedure, storage solutions, security and accuracy of data entry. Each of these concerns has been addressed with all staff signing to confirm awareness of processes, additional storage being secured, passwords to secure IT updated and the rectification of the instances of inaccurate data.

The finding that caused most concern was that DBS (CRB) checks for license holders were obtained only on first registration, which presented a security risk. Moving forward DBS checks will be undertaken every three years in line with the DBS Code of Practice.

The audit also recommended a review of fees, along with a simplification and cleaning of the budget system to enable better reconciliation of income received, these are on-going.

- **Isambard Community School** – An Internal Audit of this PFI School was carried out during 2014/15. At the time of the audit the school faced a number of significant changes that would affect the school going forward. These included a change of Headteacher and Business manager, falling pupil numbers, falling academic standards, a predicted budget deficit in 2016/17 of £757,000 and the desire to convert to an academy.

The audit review found that the School's three-year financial plan, used for financial planning, budgetary control and budget setting, was not based on robust information and had resulted in inaccurate budgets being set. Significantly, budgets were not supported by an up-to-date staffing review or school development and IT development plans. As a result the auditors were unable to confirm that effective financial management was in place to enable the School to optimise their use of resources to provide high quality teaching and learning, and so raise standards and attainment for its pupils.

Since the audit a substantive head teacher appointment was made in March when the acting head teacher was appointed. The school has made effective use of the support provided by Faringdon Community School to build capacity to bring about improvements in teaching and learning. The impact of this support has been evaluated by an independent Consultant, (and ex HMI), the detail of which is reported to the Quality Improvement Group (QIG).

The Local Authority's Finance Team has visited the school on a number of occasions since the audit to support the leadership team in preparing their staffing budget and also to discuss the school's draft three year plan. The School Business Manager has been able to balance the draft school's budget in 2015/16, 2016/17 and it is only in 2017/18 that the school are showing a deficit balance; the LA will continue to work with the school to review this position and establish what the school's plan for the deficit recovery will be.

The school's revenue balance at year end was £115,000 higher than their estimated balance on the December return. The school has provided the LA with a breakdown of the significant variances included in the £115,000. There will be further discussions with the school to understand this position.

- **Corporate buildings: statutory compliance** – an Internal Audit was undertaken at the request of the Head of Property Maintenance to provide assurance that the Council is effectively managing the statutory compliance requirements for corporate buildings. That is to ensure compliance with legislation including the Health and Safety at Work Regulations 1999, approved codes of practice, guidance documentation and Council policies.

The audit identified fundamental weaknesses, representing a 'significant' level of risk for the Council. Key risks included:

- Policies and procedures for corporate buildings statutory compliance did not meet the relevant statutory regulations and best practice standards.
- Unable to demonstrate that statutory compliance is achieved for corporate buildings, including completion of the appropriate and timely compliance inspections by accredited suppliers and remedial works to address defects as necessary.
- Unable to demonstrate that relevant compliance information and records were kept up to date for statutory compliance requirements in corporate buildings.

The Internal Audit report provided a management action plan containing thirteen key actions to be undertaken commencing in 2015/16 and to be completed in 2016/17. For each of the thirteen actions a service improvement plan will be developed and embedded throughout the service.

The Internal Audit findings have been reported to the Council's Audit Committee and Corporate Board – both forums will now monitor progress against the agreed

actions. The Cabinet Member for the service is also fully briefed and will be updated on a quarterly basis on progress.

- ***Waterside Depot improvement plan*** – A Waterside Integration programme is in place to improve the processes, compliance and customer service provided from Waterside Depot. Key outcomes from the programme include:
 - Services are resilient and compliant, safe and fit for purpose
 - Increased customer and staff satisfaction
 - Neighbourhoods are clean and well cared for
 - Achieve a value for money service that enables a choice about our future operating model

During 2014/15 an interim operational plan was implemented for the Household Waste Recycling Centre (HWRC) to manage peak season demand safely, effectively and reduce significant queues experienced in 2014. A capital project is being implemented to improve the access, site circulation, capacity and egress of the HWRC for peak demand period in 2016. Continued sustained focus on improving health and safety capability and compliance across all services operating on, or from Waterside is on-going.

Operational efficiency will be reviewed along with a programme of change over the coming 12 months to improve this, including:

- One value for money stores service
 - Improved management information and business processes
 - Improved procurement and use of fleet
 - Full review of fleet management and usage
 - Improved cross-site communications to enable staff to work from anywhere
 - Clear, consistent service standards that are well communicated
 - Appropriate staffing structures in place
 - Over-time and allowances reviewed and standardised
 - Reduced operating costs of £1m in 2016-17
- ***GCSE attainment***

High levels of educational performance are critical to opening up a wide range of life chances for young people, including employment and higher education. The Council's commitment to residents is that all parents and carers will have access to a good school. Currently, there is performance above the national average across the key stages reflected in the Early Years and at Primary schools, which is also seen in an appropriate choice of good educational provision.

Performance by the ages of 16 and 19 is weak and whilst there is good quality provision post-16, parents and carers only have a one in two chance of sending their children to a good or better secondary school/Academy.

The future risk is that poor performance by ages 16 and 19 will have a range of adverse impacts including narrowing life chances for young people, failing to meet a commitment to residents, deterring new businesses from re-locating to Swindon and increasing the possibility of existing businesses leaving Swindon.

An Education Strategy Board has been established to increase accountability in the education system, involving both academies and maintained schools, to help challenge and monitor this performance going forward

- **IT Service**

The current IT service is failing to deliver an appropriate service fit for the current and future needs of the Council. The service is under review and a new management team is working on a plan to turn the service round. Work is already underway by Capita to move the core infrastructure to a modern, virtual environment, removing the reliance on ageing servers and bringing the necessary stability to allow the Council to plan for a more transformational use of IT in the near future. However, the desktop refresh project which has also been commissioned from Capita has failed to upgrade the Swindon desktop estate in a timely manner and is creating financial pressures to ensure that the Council can continue to meet the Government security requirements for its IT estate.

6. Certification

To the best of our knowledge, the governance arrangements, as defined above, have been effectively operating during the year although we recognise the areas for additional focus identified in section 5. We are satisfied that these enhancements will address the need for improvements that were identified in our review of effectiveness and will monitor their implementation and operation as part of our next annual review.

Signed:

Signed:

Councillor David Renard
Leader of the Council

Gavin Jones
Chief Executive

SWINDON BOROUGH COUNCIL

DISCLOSURE
(‘WHISTLEBLOWING’)
POLICY

Reviewed: MAY 2015

Whistleblowing (confidential internal)
answer phone and fax number:
01793 464603

Public Concern at Work: 020 7404 6609

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1. Introduction

- 1.1 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we encourage employees and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that staff can do so without fear of reprisals. This Disclosure 'Whistleblowing' Policy is intended to encourage and enable staff to raise serious concerns within the Council rather than overlooking a problem or blowing the whistle outside.
- 1.3 This Disclosure Policy has been devised in accordance with the provisions of the Public Interest Disclosure Act 1998, the Enterprise and Regulatory Reform Act 2013 and the British Standard Institute Code of Practice regarding Whistleblowing arrangements, and seeks to bring into the open concerns of the staff and public relating to issues concerning dishonesty involving the Council.
- 1.4 This policy supports the Council's Anti-Fraud and Bribery Policy, and makes it clear that concerns can be raised without fear of reprisals. It is intended to encourage and enable employees to raise serious concerns within the Council, irrespective of seniority, rank or status, rather than overlooking a problem or reporting the matter externally.
- 1.5 Maintained and Academy schools should have their own Whistleblowing Policy and arrangements.

2. Aims and Scope of the Policy

- 2.1 This policy aims to:
- Provide avenues for staff to raise concerns and receive feedback on any action taken;
 - Allow staff to take the matter further if they are dissatisfied with the Council's response; and
 - Reassure staff that they will be protected from reprisals or victimisation for whistleblowing in good faith.

2.2 There are existing procedures in place to enable staff to lodge a grievance relating to their own employment for example in relation to areas such as terms and conditions of employment; health and safety; work relations; new working practices; working environment and conditions; workload; organisational change, etc. This Disclosure Policy is intended to cover concerns that fall outside the scope of that procedure.

2.3 That concern may be about something that:

- Is unlawful
- Is contrary to the Council's Standing Orders or policies
- Falls below established standards or practice; or
- Amounts to improper conduct

For example (this list is not exhaustive):

- Malpractice or ill treatment of a client/customer
- A criminal offence has been committed, is being committed or is likely to be committed
- Suspected fraud
- Suspected bribery
- Abuse of a child or adult
- Abuse of personal budgets/client accounts
- Disregard for legislation, particularly in relation to health and safety at work
- Breach of Financial Regulations, Standing Orders
- Showing undue favour over a contractual matter or to a job applicant
- A breach of any code of conduct or protocol
- Damage to the environment
- Information on any of the above has been, is being, or is likely to be concealed.

2.4 The overriding concern should be that it would be in the public interest for the malpractice to be corrected and, if appropriate, sanctions applied. Staff will be encouraged to explain the public interest they are concerned with. In order to qualify for protection, a whistle-blower must have a reasonable belief that the relevant disclosure is in the public interest. The Public Disclosure Act makes it unlawful for the Council to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act. Even if the disclosure is considered not to be in the public interest then it will still be investigated if considered appropriate by the Monitoring Officer or Head of Internal Audit.

- 2.7 Managers should ensure that this policy is made available to staff of contractors, consultants and suppliers working for or on behalf of the Council, on Council premises or elsewhere.
- 2.8 Any school staff that have concerns should refer to their own school's whistleblowing policy in the first instance.
- 2.9 Concerns relating to Councillors will be treated under the relevant Code of Conduct.

3. Safeguards

Harassment or Victimisation

- 3.1 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern in good faith. The Council will treat any harassment or victimisation as a serious disciplinary offence to be dealt with under the Disciplinary Procedure.
- 3.2 This does not mean that if staff are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of their whistleblowing.

Confidentiality

- 3.3 The Council will do its best to protect a staff member's identity when they raise a concern and do not want their name to be disclosed. It must be appreciated that the investigation process may reveal the source of the information and a statement by staff may be required as part of the evidence.

Anonymous Allegations

- 3.4 This policy encourages staff to put their name to their allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Council.
- 3.5 In exercising the discretion, the factors to be taken into account would include the:
- seriousness of the issues raised;
 - credibility of the concern; and
 - likelihood of confirming the allegation from an attributable source.

Untrue Allegations

- 3.6 If staff make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, staff make malicious or vexatious allegations, disciplinary action may be taken against them.

4. How to raise a concern

- 4.1 Employees who raise concerns that fall within the scope of other Council procedures will not be dealt with in this procedure, but will be advised on the appropriate procedure to use. Such employees will still receive protection as detailed in this policy.
- 4.2 As a first step, staff should normally raise concerns with their immediate manager or supervisor as soon as the employee has reasonable suspicion. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. If in doubt, contact the Chief Executive, or the Director of Law and Democratic Services (the Council's Monitoring Officer), or the Head of Internal Audit.
- 4.3 Alternatively, staff can leave a message on the 24-hour Whistleblowing answer phone and fax service (**telephone number 01793 464603**). The phone and fax are located in a secure area. This service is strictly confidential and callers will not be asked to give their name if they do not want to.
- 4.4 Concerns are better raised in writing. Staff are invited to set out the background and history of their concern, giving names, dates and places where possible, and the reason why they are particularly concerned about the situation. If staff do not feel able to put their concern in writing, they can telephone or meet the appropriate officer. The earlier staff express the concern the easier it is to take action.
- 4.5 Although staff are not expected to prove the truth of an allegation, they will need to demonstrate to the person contacted that there are sufficient grounds for the concern and evidence that the concern is in the public interest.
- 4.6 Advice and guidance on matters of concern can be obtained from:
- Chief Executive
 - Director of Law and Democratic Services (Monitoring Officer)
 - Board Director: Resources
 - Head of Internal Audit
 - Confidential advice and guidance from an independent organisation can be obtained from Public Concern at Work (telephone: 020 7404 6609)
 - Head of Children, Families and Community Health or the Head of Commissioning: Children and Adults in relation to vulnerable children or adults.
 - any of those listed in paragraph 6.1 below
- 4.7 Staff may invite a trade union representative or work colleague to raise a matter on their behalf.

5. How the Council will respond

- 5.1 The action taken by the Council will depend on the nature of the concern and may:
- be resolved by agreed action without the need for investigation
 - be investigated internally
 - be referred to the Police;
 - be referred to the external auditor;
 - form the subject of an independent inquiry
- 5.2 In order to protect individuals and the Council, initial enquiries will be forwarded to the Monitoring Officer who will consult with the Head of Internal Audit and the Chair of Standards Committee (where necessary) and decide whether an investigation is appropriate and, if so, what form it should take. The Monitoring Officer can decide to take no further action if a complaint appears to be trivial or vexatious. All such decisions will be reported to the next meeting of Standards Committee. Concerns or allegations that fall within the scope of specific existing Council procedures, for example discrimination issues, will normally be referred for consideration under those procedures.
- 5.3 Some concerns may be resolved by agreed action without the need for investigation and staff will be involved in those discussions. The Monitoring Officer shall report periodically thereon to the Standards Committee.
- 5.4 If an investigation is required, the Monitoring Officer will consult with the Head of Internal Audit and the Chair of Standards Committee and designate an appropriate officer to investigate the concern. Following this that officer will, within ten working days, write to the member of staff:
- Acknowledging that an investigation will be carried out
 - Indicating how he/she proposes to deal with the matter
 - Giving an estimate of how long it will take to provide a final response
 - Telling them whether any initial enquiries have been made
 - Telling them whether further investigations will take place, and if not, why not
 - Advising them that any investigation will be carried out in the strictest confidence; and
 - Keeping them informed of the progress of the investigation.
- 5.5 The amount of contact between the officers considering the issues and the staff member will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from staff.

- 5.6 When any meeting is arranged, staff have the right, if they so wish, to be accompanied by a union representative or work colleague who is not involved in the area of work to which the concern relates.
- 5.7 The Council will take steps to minimise any difficulties that staff may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Council will advise them about the procedure.
- 5.8 The Monitoring Officer will report on the outcome of any investigation to the Standards Committee who will monitor the implementation of the recommendation of the investigation.

6. How the matter can be taken further

- 6.1 This policy is intended to provide staff with an avenue to raise concerns **within** the Council. The Council hopes staff will be satisfied. If they are not, and feel that it is right to take the matter outside the Council, the following are possible contact points:
- Local Council member (if staff member lives in the area of the Council)
 - Chair or any member of the Standards Committee
 - The External Auditor (Grant Thornton: tel. no. 0117 305 7600)
 - Relevant professional bodies or regulatory organisations
 - Solicitor
 - The Police
 - Public Concern at Work (tel. no. 020 7404 6609). If staff do take this matter outside the Council, they need to ensure that they do not disclose confidential information or that disclosure would be privileged. Staff should check with the contact point about that.

7. Relationship with other Council policies

- 7.1 This policy should be read in conjunction with the Council's Anti-Fraud and Bribery Strategy, the Fraud Response Plan, the Disciplinary Procedure, the Code of Conduct and other relevant policies.

8. The Monitoring Officer

- 8.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this policy, and he will liaise as necessary with the Head of Internal Audit and Chair of Standards Committee.

- 8.2 The Monitoring Officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger staff confidentiality) and will report as necessary to the Standards Committee.

9. The Law

- 9.1 This policy and procedure has been written to take account of the Public Interest Disclosure Act 1998, which protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions as amended by the Enterprise and Regulatory Reform Act 2013.
- 9.2 The Act is incorporated into the Employments Rights Act 1996, which also already protects employees who take action over, or raise concerns about health and safety at work. For the avoidance of doubt, financial issues are covered by Section 151 Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, The Local Government and Housing Act 1989, and Accounts and Audit Regulations 2015.

10. Review

- 10.1 This policy and procedure will be reviewed periodically by the Director of Law and Democratic Services and the Head of Internal Audit. The outcome of the review will be reported to the Council's Standards Committee.

WHISTLEBLOWING

Confidential internal reporting number

01793 464603

(Confidential answer machine):

Available 24 hours a day. The phone/fax is located in a secure area. This service is strictly confidential and callers will not be asked to give their name if they do not want to.

External contact: Public Concern at Work:

020 7404 6609

The Council subscribes Public Concern at Work. They are able to provide external, independent advice if the caller doesn't wish to discuss the matter with anyone from within the Council. This information will not be passed on to anyone in the Council.

The Council's Whistleblowing Policy:

Please click [here](#) to access the Council's Whistleblowing Policy

Additional advice/guidance regarding Whistleblowing can be obtained from:

Director of Law and Democratic Services/Monitoring Officer: **01793 463012**

or the Head of Internal Audit: **01793 463940**

Staff concerns about matters related to vulnerable children and adults should be referred, at least initially, to either:

Head of Children, Families and Community Health **01793 463200**

or the Head of Commissioning: Children and Adults **01793 46 5713**

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Training and Development Programme for Councillors 2015/2016		
Dates	Subject	Facilitator
11 May 2015 2.00pm Ctte Room 1	Induction (1) for Newly Elected Councillors	Corporate Board Director of Law and Democratic Services The Mayor and Lead Members
14 May 2015 5.00pm Ctte Room 2	Induction (2) for Newly Elected Councillors	Stuart McKellar, Board Director, Resources Communications Officers Karen McMahon, Head of Customer and Business Services Patrick Weir, Head of Localities, Community Involvement and Volunteering Stephen Taylor, Director of Law and Democratic Services
27 May 2015 6.00pm Ctte Room 2	Induction for New Members of the Planning Committee and any councillor with an interest in planning process	Richard Bell, Planning Officer Kehinde Awojobi, Legal Department
8 June 2015 6.00pm Ctte Room 6	Chairing Skills	Stephen Taylor, Director of Law and Democratic Services
15 June 2015 6.00pm Ctte Room 2	Swindon Art and History Collections and plans for the new Museum and Art Gallery	Helen Miah
24 June 2015 6.00pm Ctte Room 1	Corporate Parenting	Karen Reeve, Head of Children, Families and Community Health
9 July 2015 4.00pm	Media Training	Gail Downey, Whirlwind Productions

Appendix 4

Function Room		
15 September 2015 6.00pm Ctte Room 2	Education Transport Appeals Sub-Committee	Rebecca Mathis / Ann Crowley
1 October 2015 6.00pm Ctte Room 1	Equality and Diversity	Nick Stephenson, Change Lead, Equality and Diversity
8 October 2015 6.00pm Function Room	Safeguarding Adults	Doug Bale
3 November 2015 6.00pm Ctte Room 3	New Members Induction – six month review	Stephen Taylor, Director of Law and Democratic Services
19 January 2016 6.00pm Room TBC	Understanding the Capital Budget	Paul Smith, Head of Technical Finance
Prior to 1st meeting of each Committee	Overview and Scrutiny induction	Scrutiny Officer / Chair
Ad-hoc – organised at request of member	Introduction to Revenues and Benefits / One Stop Shop	Andy Stevens / Karen McMahon
Tbc – June 2015	Induction for New Members of the Licensing Committee	Kathryn Ashton, Licensing Officer

External providers

Information on training and events provided by external organisations such as the LGA and LGiU are circulated on a weekly basis in the Member's Bulletin. Members are then invited to apply, and attendance approved through a Cabinet Member Briefing Note.

Dates for member training

Potential dates earmarked for future member training (all 6pm start time):

2015	2016
10 December	8 February
	3 March
	21 April

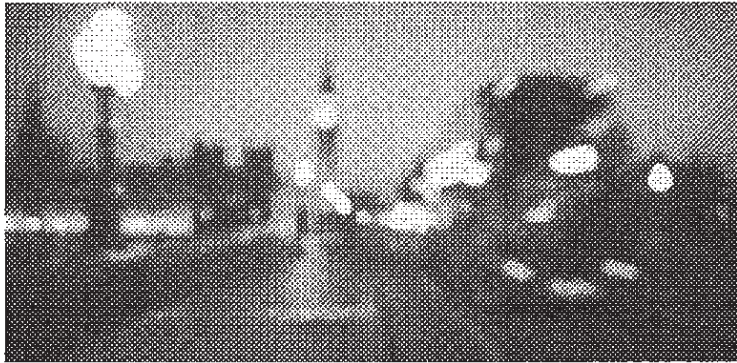
Potential subjects for member training – delivered by officers

- Public Health and the mandated public health responsibilities that the council now has.
- Maximising the benefits of Swindon Borough Council's property portfolio.
- The role of Swindon Borough Council in the economic development of the Borough.
- Improving skills and increasing employment.
- Child Protection Level 1 – on line.
- CSE - on line.
- Understanding how to make a referral to children's social care - direct training. 2 hours anytime in year.
- General awareness-raising of Adult Services.
- An introduction to housing services.

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Wither the statutory protection for Chief Officers - Pickles' parting shot?

With Parliament prorogued next week, many might have thought that the long talked about revocation of the Designated Independent Person Regime for statutory chief officers had escaped this Parliament. But apparently not!



The eagle-eyed watchers of Her Majesty's Stationery Office (HMSO) will have seen laid before the House of Commons on Wednesday, the Local Authority (Standing Orders) (England) (Amendment) Regulations 2015. The rules require all English local authorities to pass new constitutional arrangements for the appointment and dismissal of the Head of Paid Service (HoPS), Monitoring Officer (MO) and Chief Financial Officer (CFO), from 11 May 2015.

The new regulations are not a masterpiece of drafting; but seem to have the following effects.

- Gone is the requirement to appoint a designated independent person (DIP) before taking any disciplinary action or dismissing a chief officer for any reason other than ill health or redundancy. Instead the authority is to use a new breed of Independent Persons appointed to the authority's Standards Committee (or another authority's standards committee).
- The new Independent Persons should be local electors for the area of the authority, but may be other Independent Person appointed by the authority or another authority.
- The two or more Independent Persons are to be appointed to a Panel (being a Committee of the Authority) who are to offer any advice, views or recommendations to a meeting of the full council in relation to any proposal to dismiss the HoPS, MO or CFO [gone is any protection in relation to disciplinary action short of dismissal].
- The Independent Persons do not get to vote on the Panel; nor is there any mention of proportionality in terms of the number of Independent Persons on the Panel as opposed to voting members of the authority.
- The Panel must be appointed (but there is no requirement for it to meet) at least 20 working days before the meeting of the authority which is to consider any proposal to dismiss the officer.

So where does this leave chief officers?

On the positive side, the protection of it being a meeting of the full council that must approve the appointment or dismissal of a statutory chief officer is probably a good thing.

On the negative side:

- Gone is the appointment of a suitable Designated Independent Person, the identity of whom must have been agreed by the officer under investigation - so where will the Panel take advice from?
- Gone is the requirement for a report from the DIP setting out the evidence that supports the allegations.
- Gone is the recommendation from the DIP on the scale of disciplinary action, if any, that the authority is permitted to take.
- Gone is the protection against action short of dismissal.

The new regulations have been rushed in without consultation and, frankly, are full of holes.

The regulations do not prescribe:

- The numbers or voting membership of the Panel - it could be flooded with members of the Executive or majority party, and the view of the Independent members need not be represented in its report.
- There is no requirement for it to be a standing committee, nor for its members to receive any training
- There is no requirement to provide independent legal advice or support to the panel, even if requested
- There is no requirement for the panel to meet any particular period before the meeting of the authority
- There is no right for the officer subject to the process to attend or make representations to the Panel.

Finally, while the regulations rescind the previous protections and provisions in the statutory regime, they will do nothing to alter the contractual arrangements on foot. So those officers (Heads of Paid Service) who are employed on the JNC Conditions for Chief Executives, will still continue to enjoy the protections of a DIP being required as a matter of contract; whereas Monitoring Officers and Chief Financial Officers employed on JNC Chief Officer Conditions of Service will not!

Altogether a bit of a botched job; and importantly a significant watering down of the protections to officers who are expected to stand as a bulwark against errant members at the very time when the functions of the external auditor and the standards regime for members have also been diluted. Worrying times ahead!

Key Contacts

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Agenda Item 9

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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